24

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6085 of 2007

PETITIONER Ramnath Kosle, s/o Shri Mansharam Kosle, aged about 59 years, Principal, Government Higher Secondary School, Sargaon Block Pathariya, Distt. Bilaspur, R/o Bhojpuri, Tahsil Bilha, Distt. Bilaspur (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G).
2. The District Education Officer, Bilaspur, Chhattisgarh (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Rajeev Shrivastava, counsel for the petitioner.

Ku. Sunita Jain, Panel Lawyer appears for the State/ Respondents on advance copy.

ORAL ORDER
(15.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner who is working on the post of Principal in Government Higher Secondary School, Sargaon, Block Pathariya, Distt. Bilaspur, has been transferred to Government Higher Secondary School, Loharsi, Distt. Bilaspur on administrative grounds.

Learned counsel for the petitioner argues that though the petitioner has been transferred from Sargaon but no body has been posted at Sargaon. He also argued that the date of birth of the petitioner is 07.7.1948, he is to retire on 31.7.2010 and on account of his old age, he is not keeping good health. On being pointedly asked from the learned counsel for the petitioner that

since when the petitioner is working at Sargaon, he fairly submits that the petitioner is working there since 03.7.2003.

Having heard learned counsel for the parties and after going through the contents of the writ petition, I am of the opinion that these are not the grounds for interfering with the order of transfer by a court of law.

Admittedly, the transfer is an exigency of service and nobody working on a transferable post can claim for his posting at a particular place. It is for the employer to see as to who should be posted at which place. Unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or it is issued against any statutory Rule or Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

So far as the old age and not keeping good health are concerned, these are the grounds on which the employer may consider a particular case in light of their policies framed. In view of the above, this petition is disposed of at this stage.

However, the petitioner shall be at liberty to file representation before the concerned authority which shall be decided in an objective manner by the said authority keeping the grounds raised by the petitioner, in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge